

## **MINUTES**

### **MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN CAROLYN SQUIRES**, on April 11, 2005 at 3:00 P.M., in Room 335 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Carolyn Squires, Chairman (D)  
Sen. Vicki Cocchiarella (D)  
Sen. Jon Ellingson (D)  
Sen. Jeff Essmann (R)  
Sen. Dave Lewis (R)  
Sen. Jim Shockley (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** Sen. Steven Gallus (D)  
Sen. Rick Laible (R)  
Sen. Mike Cooney (D)  
Sen. Joe Balyeat (R)

**Members Absent:** None.

**Staff Present:** Claudia Johnson, Committee Secretary  
Dave Bohyer, Legislative Branch

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: SR 18, 4/6/2005; SR 17, 4/6/2005  
Executive Action: HB 376; HB 386; SR 17; SR 18

**EXECUTIVE ACTION ON HB 376**

**{Tape: 1; Side: A}**

**Motion:** SEN. SQUIRES moved to RECONSIDER THE TABLE MOTION on HB 376.

**Discussion:** The Committee members discussed the bill that will change the presidential primary election to April. SEN. TROPILA informed the Committee the reason for the bill is to bring the President to Montana. SEN. COONEY said that he, and former Governor Mark Racicot, worked on this legislation in the past, and stated there are currently no dollars involved at this time, and felt that other states should be looked at to see how they accomplished this. He said that the Secretary of State's Office and several other offices need to be involve in this process. He added this bill should go to the floor for more discussion.

SEN. LEWIS said if this bill is passed, it will cost the state \$750,000. SEN. COONEY said there will be another legislative session before there is any impact, so there will not be any cost until that time.

SEN. ESSMANN asked Mark Simonich, Secretary of State's Office if this bill can be amended for "write-in ballot only". Mr. Simonich deferred the question to Elaine Gravely, Election Deputy, Secretary of State's Office. Ms. Gravely informed the Committee that it will still cost \$750,000, whether the polls are open or they have a write-in ballot.

SEN. ELLINGSON commented that when the legislature comes back next session the Secretary of State's Office can go forward with this bill. He said if the bill is passed now the Secretary of State can go forward to negotiate with the pertinent information that is needed to start the process and bring it back to the next legislative session.

SEN. SHOCKLEY said he feels that no one will show up at the polls for the general election if the primary election is moved back to April or May.

**Motion/Vote:** SEN. SQUIRES moved to RECONSIDER THE MOTION on HB 376. Motion carried 7-4 by roll call vote with SEN. COCCHIARELLA, SEN. LAIBLE, SEN. LEWIS, and SEN. SHOCKLEY voting no. SEN. BALYEAT, SEN. COONEY, and SEN. GALLUS voted aye by proxy. SEN. LAIBLE, and SEN. SHOCKLEY voted no by proxy.

**Motion/Vote:** SEN. ESSMANN moved that HB 376 BE CONCURRED IN. Motion carried 8-3 by roll call vote with SEN. LAIBLE, SEN. LEWIS, and SEN. SHOCKLEY voting no. SEN. LAIBLE and SEN. SCHOCKLEY voted no by proxy.

**EXECUTIVE ACTION ON HB 386**

***{Tape: 1; Side: A; Approx. Time Counter: 18.9 - 24.6}***

**Motion:** SEN. TROPILA moved that HB 386 BE CONCURRED IN.

**Discussion:** SEN. COCCHIARELLA addressed her concerns on page 1, line 26. The language is prohibitive, and doesn't allow any of these people to run for office if they have previously held a position in the last two years, and for two years afterwards. She said that Gordie Higgins, Commissioner of Political Practice, was a registered lobbyist for the Department of Labor in the last session, and if this bill had been law, he wouldn't be able to hold the position he is in now.

SEN. LEWIS informed the Committee that it takes a 2/3 vote of the floor if amendments are added.

SEN. ESSMANN talked about striking the language that SEN. COCCHIARELLA is concerned about. He said the Committee should pass this out of Committee.

***{Tape: 1; Side: B}***

Dave Bohyer, LSD, informed the Committee that the language is directed to a person after a political office has been held. He said the time-line is reduced from five years to two years with this bill.

SEN. TROPILA said that the interim Committee put this language in place because they wanted someone in office that didn't have any political ties.

***{Tape: 1; Side: B; Approx. Time Counter: 1.7 - 2.9}***

**Motion:** SEN. ESSMANN moved A CONCEPTUAL AMENDMENT TO STRIKE SECTION THREE IN ITS ENTIRETY.

**Discussion:** There was discussion about Gordie Higgins not having a policy to refute himself. The Committee feels the amendment will provide a workable solution.

Vote: Motion carried 10-1 with SEN. BALLYEAT voting no. SEN. COONEY, SEN. GALLUS and SEN. LAIBLE voted aye by proxy.

*{Tape: 1; Side: B; Approx. Time Counter: 2.9 - 7}*

Motion: SEN. COCCHIARELLA moved A CONCEPTUAL AMENDMENT ON PAGE 3, LINE 27, TO STRIKE THE WORD "OR" IN FRONT OF "FROM LOBBYING".

*{Tape: 1; Side: B; Approx. Time Counter: 7.6 - 8.5}*

Substitute Motion: SEN. SHOCKLEY made a SUBSTITUTE MOTION TO STRIKE LINES 27 THROUGH 29.

Vote: Motion carried 10-1 with SEN. BALLYEAT voting no. SEN. COONEY, SEN. GALLUS and SEN. LAIBLE voted aye by proxy.

Motion/vote: SEN. SHOCKLEY moved a CONCEPTUAL AMENDMENT TO DELETE THE WORD "LOBBYING, AND PUBLIC OFFICE". Motion carried 10-1 with SEN. BALLYEAT voting no. SEN. COONEY, SEN. GALLUS and SEN. LAIBLE voted aye by proxy.

Motion/vote: SEN. COCCHIARELLA moved A CONCEPTUAL AMENDMENT TO CHANGE THE EFFECTIVE DATE TO OCTOBER 1. Motion carried unanimously. SEN. COONEY, SEN. GALLUS and SEN. LAIBLE voted aye by proxy.

Discussion: CHAIRWOMAN SQUIRES asked Dave Bohyer, LSD, if he will take care of the language changes to reflect the motions.

Motion/Vote: SEN. ESSMANN moved that HB 386 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. SEN. COONEY, SEN. GALLUS and SEN. LAIBLE voted aye by proxy.

#### HEARING ON SR 18

*{Tape: 1; Side: B; Approx. Time Counter: 11 - 12}*

Opening Statement by Sponsor:

SEN. CAROLYN SQUIRES (D), SD 48, opened the hearing on SR 18, Confirm governor's appointments.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor: Closed.

HEARING ON SR 17

*{Tape: 1; Side: B; Approx. Time Counter: 12- 12.6}*

Opening Statement by Sponsor:

SEN. CAROLYN SQUIRES (D), SD 48, opened the hearing on SR 17, Confirm certain governor's appointees.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor: Closed.

EXECUTIVE ACTION ON SR 17

*{Tape: 1; Side: B; Approx. Time Counter: 12.6 - 13}*

Motion/Vote: SEN. SQUIRES moved that SR 17 DO PASS. Motion carried unanimously by voice vote. SEN. COONEY, SEN. GALLUS and SEN. LAIBLE voted aye by proxy.

EXECUTIVE ACTION ON SR 18

*{Tape: 1; Side: B; Approx. Time Counter: 13 - 13.2}*

Motion/Vote: SEN. SQUIRES moved that SR 18 DO PASS. Motion carried unanimously by voice vote. SEN. COONEY, SEN. GALLUS and SEN. LAIBLE voted aye by proxy.

**ADJOURNMENT**

Adjournment: 4:00 P.M.

---

SEN. CAROLYN SQUIRES, Chairman

---

CLAUDIA JOHNSON, Secretary

CS/cj

Additional Exhibits:

**EXHIBIT ([sts77aad0.PDF](#))**